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In re Application of
WALDNER *et al*
Application No.: 10/538,515
PCT No.: PCT/EP03/13959
Int. Filing Date: 09 December 2003
Priority Date: 09 December 2002
Attorney Docket No.: 12684.0015USWO
For: INHALATION THERAPY DEVICE

DECISION

This decision is in response to the "Communication Regarding Reconsideration of Petition" filed 09 March 2007.

BACKGROUND

On 03 November 2006, a decision dismissing applicants' petition to change the name of an inventor was mailed. Applicants were given two months to respond.

On 09 March 2007, applicants filed a renewed petition which was accompanied by a three-month extension and fee and an English translation of a German court document.

DISCUSSION

As previously stated, section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The initial petition to change the name of the second inventor to MUNDENBRUCH was dismissed because petitioner did not provide an English translation of the official document used to show the name change of the inventor.

In the renewed petition, applicants have provided an English translation of the document as required. This verifies the change of name and is sufficient for a

grantable petition.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is **GRANTED**.

The family name of the second inventor has been changed to MUNDENBRUCH.

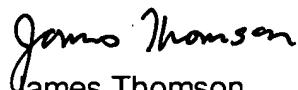
A review of the declaration submitted 10 November 2005 shows that the pen and ink change of the name to Mundenbruch was not initialed. This is not acceptable. Section 605.04(a) of the MPEP states that:

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."

A new declaration in compliance with 37 CFR 1.497(a) and (b) is required.

Applicants must provide an acceptable declaration within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to provide an acceptable declaration within the time provided will result in the **ABANDONMENT** of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302